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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Senegal (on behalf of the African Group): draft resolution

1998/... The situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolutions S-3/1 of 25 May 1994, 1995/91 of 8 March 1995, 1996/76 of 23 April 1996 and 1997/66 of 16 April 1997,

Reaffirming that the protection and promotion of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Noting with satisfaction the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms as well as eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Noting the massive return to the country from the Democratic Republic of the Congo and the United Republic of Tanzania of more than one million Rwandan refugees and welcoming the efforts made by the Government to resettle and reintegrate those refugees,

Welcoming the ongoing rehabilitation of the judicial system of Rwanda, recognizing the need for the continuation of prosecution by national jurisdictions of those suspected of having committed the crime of genocide and the massacres in Rwanda, and concerned by the very large number of detainees awaiting trial,

1. Takes not with satisfaction of the report on the situation of human rights in Rwanda (E/CN.4/1998/60) of the Special Representative of the Commission on Human Rights, the report (E/CN.4/1998/61) of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda and the report (E/CN.4/1998/54/Add.1) of the Special Rapporteur on violence against women;

2. Commends the Government of Rwanda for the cooperation and assistance extended to the Special Representative and the Special Rapporteur on violence against women, and noting its cooperation with the Human Rights Field Operation in Rwanda;

3. Encourages further efforts of the Government of Rwanda to build a State based on the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international human rights instruments;

4. Reiterates its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights perpetrated in Rwanda, and expresses its concern at the continuation of human rights violations in Rwanda;

5. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of human rights and international humanitarian law are individually responsible and accountable for those violations;

6. Urges the Government of Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women;

7. Strongly condemns continuing violence and genocidal activities perpetrated in Rwanda by former members of the Rwandan armed forces, Interahamwe and other insurgent groups, and notes with concern the negative

impact they may have on the efforts of the Government of Rwanda to consolidate peace and security and achieve national unity, reconciliation and reconstruction;

8. Condemns the illegal sale and distribtution of arms which undermines peace and stability in Rwanda and the region;

9. Encourages the Government of Rwanda to continue to investigate and prosecute violations of human rights and humanitarian law committed by individual members of the security forces in the course of military operations against insurgent groups including through strengthening the Military Prosecutor's office, with assistance from donor States;

10. Affirms the importance it attaches to the safety of the staff of the United Nations and other humanitarian workers serving in Rwanda;

11. Welcomes the draft Law on Matrimonial Property and Succession now under consideration in Rwanda and encourages the Government of Rwanda to continue its efforts to improve the welfare, status and role of women, especially genocide survivors and returnees, in Rwandan society, with particular attention to matters concerning property;

12. Reiterates its sympathy and solidarity with genocide survivors, commends the Government of Rwanda for establishing a fund to assist them, commends those Governments that have contributed to the fund and urges other States to contribute generously;

13. Commends the work carried out by the Human Rights Field Operation in Rwanda and welcomes the ongoing review of its role, priority and functions;

14. Expresses its deep concern regarding the conflict in the north-west of Rwanda and recognizes the need to improve monitoring of human rights abuses in that region, in particular by strengthening national human rights monitoring capacity;

15. Notes the progress made by the Government of Rwanda in establishing a national human rights commission;

16. Encourages the Government of Rwanda to facilitate a broad public debate on how a national human rights commission can be made an independent and effective institution, established by law and based on recognized international norms;

17. Requests the international community to provide financial and technical support necessary for the reconstruction of human rights infrastructrure generally and the effective functioning of a national human rights commission in particular;

18. Welcomes the continuation of the trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, and stresses the need for continued efforts by the Government of Rwanda to further strengthen fair trial guarantees;

19. Expresses concern that perpetrators of the genocide and other gross violations of human rights continue to evade justice;

20. Reiterates its request that all States cooperate fully with the International Tribunal for Rwanda and the Government of Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

21. Expresses concern at the slow rate of progress in the proceedings of the International Tribunal for Rwanda and encourages further measures to speed up proceedings;

22. Reiterates its concern at the conditions of detention in some detention centres, emphasizes the need for greater attention and resources to be directed to this problem and again urges the international community to assist the Government of Rwanda in this area;

23. Welcomes and encourages the efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files, and affirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be released immediately, early or conditionally;

24. Reiterates its appeal to the international community to provide financial and technical assistance to the Government of Rwanda to help strengthen the administration of justice, including as regards adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation assistance already provided by the donor community;

25. Recommends that the international community continue to provide development assistance for the reconstruction and long-term stability of Rwanda;

26. Welcomes the commitment of the Government of Rwanda to promoting national unity and reconciliation and calls upon the Government to continue its efforts in that field;

27. Commends the Special Representative for his work, decides to extend his mandate for a further year, requests him to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session, in accordance with his mandate, and requests the Secretary-General to provide him with such financial assistance as he may require;

28. Calls for close consultation between the Special Representative and the Government of Rwanda regarding the functioning of the future national human rights Commission;

29. Requests the United Nations High Commissioner for Human Rights to submit reports on the work of the Human Rights Field Operation in Rwanda and on the implementation of the present resolution to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-third session;

30. Recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/... of .. April 1998, endorses the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in Rwanda for a further year and requests him to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session, in accordance with his mandate. The Council requests the Secretary-General to provide him with such financial assistance as he may require to discharge his mandate."